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11
12 UNITED STATES DISTRICT COURT
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14 NORTHERN DISTRICT OF CALIFORNIA
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16 SAN JOSE DIVISION

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18 UNITED STATES OF AMERICA,) NO. 5:18-CR-506-BLF-2
19 Plaintiff,)
20 v.) STIPULATION AND [PROPOSED] ORDER
21 KRISTOPHER PURCELL, aka "K-Dawg,") CONTINUING HEARING DATE AND
22 Defendant.) EXCLUDING TIME FROM OCTOBER 22, 2019
23) TO JANUARY 7, 2020
24)
25)
26)
27)
28)

19 The defendant, KRISTOPHER PURCELL, represented by Kenneth Wine, and the Government,
20 represented by Assistant United States Attorney Katherine Griffin, hereby stipulate and agree as follows:

21 1. The matter is currently set for a status hearing before this Court on October 22, 2019, at
22 9:00 AM.

23 2. This is a complex case due to the nature of the prosecution, including the racketeering and
24 violence in aid of racketeering charges and the supporting evidence. This is supported by the Superseding
25 Indictment and other matters on the record in this case. Currently, defense counsel is continuing to review
26 discovery provided by the government, and is conducting appropriate investigation. The defense team is
27 also in the process of collecting mitigating evidence and other information in light of the potential
28 punishment in this case.

3. Consequently, the parties jointly request a continuance until January 7, 2020, at 9:00 AM. Depending on the status of the case at that time, it is possible that the parties will request additional time before the Court and a setting of status conference/possible change of plea.

4. The parties agree that, in light of the above, it is appropriate to exclude time under the Speedy Trial Act, including for the effective preparation of counsel, and due to the complex nature of the prosecution, through and including the newly requested hearing date of January 7, 2020. The parties therefore jointly request that the Court enter the Proposed Order below continuing the hearing date and excluding time.

SO STIPULATED.

DAVID L. ANDERSON
United States Attorney

Dated: October 15, 2019

/s

KATHERINE GRIFFIN
Assistant United States Attorney

Dated: October 15, 2019

/s

KENNETH WINE
Counsel for KRISTOPHER PURCELL

1 [PROPOSED] ORDER
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4 Pursuant to stipulation, IT IS HEREBY ORDERED that the status conference currently scheduled
5 on October 22, 2019, is continued to January 7, 2020, at 9:00 AM, for status conference or possible change
6 of plea.

7 Based upon the representation of counsel and for good cause shown, the Court finds that failing to
8 exclude the time between October 22, 2019, and January 7, 2020, would unreasonably deny counsel the
9 reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See*
10 18 U.S.C. § 3161(h)(7)(B)(iv). This is also a complex case due to the nature of the prosecution. *See* 18
11 U.S.C. § 3161(h)(7)(B)(ii). The Court further finds that the ends of justice are served by excluding the
12 time between October 22, 2019, and January 7, 2020, from computation under the Speedy Trial Act and
13 such exclusion outweighs the best interests of the public and the defendant in a speedy trial.

14 Therefore, IT IS HEREBY ORDERED that the time from October 22, 2019, through and including
15 January 7, 2020, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§
16 3161(h)(7)(A), (B)(ii), and (B)(iv).

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18 DATED: _____

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20 HON. BETH LABSON FREEMAN
21 United States District Judge
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